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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/161,816	09/28/1998	MALCOM B. STRANDBERG	DAVOX-142XX	8075

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BOURQUE & ASSOCIATES, P.A.  
835 HANOVER STREET  
SUITE 303  
MANCHESTER, NH 03104

EXAMINER

AGDEPPA, HECTOR A

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/161,816

Applicant(s)

STRANDBERG, MALCOM B. 

Examiner

Hector A. Agdeppa

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1, 3 – 11, 21 – 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat 5,884,032 (Bateman et al.) in view of US Pat 4,052,570 (Sutton).

Bateman et al. teaches a method and system for coordinating communications via customer contact channel changing system, using a call center for setting up the call between the customer and an available help agent, wherein a call back is provided from a request over a data path 6 from a data terminal 4, the call back data including a telephone number to be dialed. (Col. 4, line 51 – Col. 5, line 12 and Col. 6, lines 14 – 19) Furthermore, Bateman et al. teaches a server 28 for receiving requests and forwarding call back data to a remotely located outbound dialer system 32 having a HOTLIST wherefrom telephone numbers to be dialed may be retrieved and processed. (Col. 5, lines 35 – 67 and Col. 6, lines 41 – 50)

Bateman et al. also teaches the aforementioned data path being one or a combination of a direct data path, a LAN or WAN, and/or the PSTN. (Fig. 1)

Bateman et al. teaches that the call back request includes customer indicia, a time to call back, and a message, wherein the message may be comprised of voice and/or text and/or DTMF tones. (Col. 6, line 1 – Col. 7, line 13) Note that Bateman et al.

Art Unit: 2642

teaches the use an IVR (interactive voice response) system and it is inherent that in an IVR system a customer may respond by pressing buttons on a conventional telephone i.e. DTMF tones or even when a customer may respond via voice, the voice is converted into DTMF tones for processing by the IVR system.

Bateman et al. further teaches a MMM 50 acting as a call scheduler responsive to the aforementioned HOTLIST for ordering and scheduling the telephone numbers to be dialed at approximately the time designated or scheduled to be called back or even immediately. (Col. 7, lines 28 – 61) Furthermore, depending on the data connection type the customer has, an immediate connection may be made with an available agent over a network with the use of ISDN or SVD, so as to allow for the simultaneous exchange of voice and data and waiting for, for example, a customer to disconnect from a dial-up ISP to allow access to a conventional phone line. (Col. 10, lines 25 – 31)

Bateman et al. also teaches the use of CGI programs. (Col. 5, lines 56 – 60 and Col. 7, lines 28 – 42)

Lastly, Bateman et al. also teaches a "substantially immediate" callback in another embodiment wherein a customer may desire for example, "Live Help" instead of a scheduled callback at a later time. (Col. 6, lines 14 – 29)

What Bateman et al. does not teach is the callback being repetitive when encountering a busy signal.

However, Sutton teaches an extremely old and well-known feature of telephony systems which is the continuous redialing of a telephone number in the event that a busy signal is encountered.

Because continuous redialing is such an old and well-known feature, it would simply be an obvious design choice or preferred mode of operation that one skilled in the art would employ in the invention of Bateman et al. Furthermore, the most likely reason continuous redialing is found in older systems and not as often in newer is simply because continuous redialing is generally regarded as a waste of resources and time. Many more methods of call back have been developed wherein a callback will be made only when the line to be called is monitored and is determined not to be busy for example. However, this does not affect the motivation for why such a feature would be implemented in a newer or more modern system, as again, it is simply a well-known method of dialing.

Regarding claim 21, Bateman et al. teaches the use of Internet services with multiple media formats and it is well known to use JAVA over the Internet. Therefore it would be an obvious design choice by one skilled in the art whether to use CGI or JAVA so as to allow for the transmission of the call back data over the Internet.

2. Claims 12 – 20, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat 5,884,032 (Bateman et al.) in view of US Pat 4,052,570 (Sutton) and further in view of US Pat 5,214,688 (Szlam et al.)

Bateman et al. and Sutton have been discussed above. What Bateman et al. and Sutton do not teach is a predictive dialer, wherein the predictive dialer has a call pacer. Furthermore, Bateman et al. does not teach appending a non-answered call to a future call campaign.

However, Szlam et al. teaches a method and apparatus for dynamic and interdependent processing of inbound calls and outbound calls, wherein a pacing, predictive dialer is used (Fig. 4 and Col. 11, line 50 – Col. 12, line 7) as well as assigning a call to a next campaign (Col. 9, lines 5 – 8)

It would have been obvious to include the aforementioned features of Szlam et al. in the combination of Bateman et al. and Sutton so as to allow for the dynamic adjustment of call completion in response to various call scenarios and situations as noted in Columns 2 and 3 of Szlam et al.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 13 have been considered but are moot in view of the new ground(s) of rejection.

For the purpose of making the prosecution process easier, Examiner has elected to make a new rejection. However, Examiner would like to point out that the term "continuous redialing" is not a term of art and is open to interpretation. The word "continuous" denotes no interruption or never-ending. Applicant is correct in that Srinivasan teach "periodic" redialing having various steps to complete before the redialing. However, that periodic redialing in and of itself can be considered to be continuous because it does not just happen one time and then stop, but in fact "continues".

Applicant also emphasizes the limitation "substantially immediately" in claims 1 and 13 although no argument is made beyond this. Examiner can only assume that Applicant does not believe that the prior art references do not teach such a feature, but

to that, Examiner submits that Applicant has either misread or failed to give due consideration to all of the elements of the above rejection using the Bateman et al. reference as this limitation is clearly addressed.

Furthermore, such features will almost always be obvious design choices or preferences only. Systems and devices for quite some time have been configurable or programmable to act to a user's needs and to make a call back "substantially immediately" is nothing more than a preference and to "continuously redial" a number is, as addressed above in the rejection, nothing more than just another preference as well.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pat 4,065,642 (McClure) teaches a message signaling and alerting system and method thereof wherein the system uses a continuous redialing circuit. US Pat 4,143,243 (Sutton) teaches a telephone system wherein continuous redialing is a feature of the telephone system. US Pat 4,764,949 (Faith et al.) teach a subscriber/craftsperson ringback apparatus wherein the apparatus may be configured to continuously redial a number. US Pat 5,710,803 (Kowal et al.) teach an emergency phone messaging system wherein in an emergency the system will continuously redial a number until it is connected. US Pat 5,956,393 (Tessler et al.) teach a system and method for limiting call velocity attempts in a public switched telephone network wherein

Art Unit: 2642

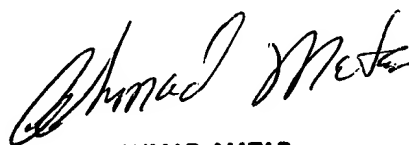
the customer premises equipment may be configured to continuously redial a number until connection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.  
October 7, 2002



**AHMAD MATAR**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600